

May 9, 2024

Via ECF

Hon. Jesse M. Furman
United States District Court
Southern District of New York
40 Foley Square
New York NY 10007

Re: Serendip LLC v. Joseph, 24-cv-1256 (JMF)

Your Honor:

This letter addresses the issues raised in the Court's Orders of May 1, 2024 (ECF No. 11) and May 8, 2024 (ECF No. 12), and the likely effects on the case going forward.

Service of process pursuant to Rule 4(f) of the F.R.C.P. by the Clerk using Registered Mail was not completed on the Defendant in the U.K. because the envelope did not provide a complete address. This was documented by U.K. Royal Mail on the mailing envelope, which was returned to my office address, after being tracked as out for delivery in the U.K.

The mailing address was provided by the Defendant in the DMCA Counter-Notification. Like most YouTube users, Defendant does not appear to be represented by any attorney, and he did not respond to, or even acknowledge, any emails from me. I contacted YouTube to confirm the physical and email addresses for the Defendant, and was asked for evidence that the address as provided in the counter-notice was not the complete physical address, so that YouTube would review the matter. I also checked alternative methods of international service, which, if needed, would require a motion before the Court.

I was about to move for an adjournment of the initial pretrial conference when the Court issued the May 1, 2024 Order. Also, as I had not yet heard from YouTube, I checked on the status of the Defendant's other videos posted on YouTube, and could not find any. This could mean that his YouTube account has now been terminated, and thus the Plaintiff might soon be able to find a way to dismiss the Complaint.

Respectfully submitted,

/s/ Annemarie Franklin

Annemarie Franklin, Esq.
PO Box 1024 Cooper Station
New York, NY 10276-1024
212-475-6360
sdenim@nyc.rr.com